

April 9, 2007
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, April 9, 2007, was called to order at 7:05 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, DEBI ROSS, LINDA ROBINSON, OLEN THOMAS, CARY GAINES, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0). City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

Mayor Hays advised the meeting was not being broadcast on Comcast due to technical problems.

The invocation was given by Alderman Bryant, followed by the pledge of allegiance to the flag which was led by Alderwoman Ross.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes of a regular council meeting and a Special Call meeting, held on Monday, March 26, 2007, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communications # 1, 2, 3, 4, 5, 6, 7 and 8 were accepted and filed (8/0).

1. Dan Flowers, Director of Highways and Transportation, Arkansas State Highway Commission letter to Mayor Hays re: City's estimated financial obligation for Phase 2 of the Highway 100 widening project (which extends from White Oak Bayou to I-40).
2. Dan Flowers, Director of Highways and Transportation, Arkansas State Highway Commission letter to Mayor Hays request for funding for improvements to the Redwood Tunnel as part of the highway widening project on Highway 70 (East Broadway).
3. Sharon Tedford, Mayor's Office memorandum re: new restaurant mixed drink permit for Hay Chihuahua f/k/a Guacamole's Mexican Restaurant, 5500 MacArthur by Laura R. Loya.
4. James Ard letter to Mayor Hays re: Code Enforcement complaint(s).
5. Edward Jackson, Property Manager Granite Mountain Quarries letter to Mayor Hays and the City Council re: O-07-30, reclassification of property located east of the intersection of Counts Massie Road and Justin James Road. Protesting said ordinance due to potential conflict between retail establishment and industrial operations.
6. James Ard letter to Mayor Hays re: Accident in City Hall at 8:05 a.m., this date.
7. Danny F. Bradley, Chief of Police letter to Mayor Hays re: Jail Space Rental.

8. Pulaski County Regional Solid Waste Management District flyer re: New Service Available - plastic grocery bag recycling.

Mayor Hays asked Chief Bradley to come forward and summarize the contents of Communication #7. Faulkner County has a new jail and available jail beds and has agreed to house detainees at \$30.00 per day. They do not require a block of jail beds, and would bill the city monthly on the basis of the number of persons housed for North Little Rock (the daily fee does not include out-of-facility medical costs). Chief Bradley said persons charged with burglary, multiple car break-ins, gun offenses, and people who have been persistent problems in the city could be housed at the Faulkner County Jail. The impact of additional jail space will take repeat offenders off the streets and create safer neighborhoods. This jail space will work as a deterrent to some criminals and would be an effective tool in the collection of fines assessed by our district judges. There are some logistical issues to be worked out. With the council's approval, the city could begin utilizing the Faulkner County Jail on or about April 11, 2007. Chief Bradley said the intent would be that those incarcerated in Faulkner County would have to find their own transportation after release. Mayor Hays then asked for a motion for a Voice Vote, to accept this proposal and on the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, A voice vote regarding communication #7 was taken and unanimous (8/0).

Without objection, Mayor Hays asked R-07-47 be called.

R-07-47 (RESOLUTION NO. 7080 - ALDERMEN BRYANT, ROSS, THOMAS, ROBINSON, PARKER, GAINES, WITCHER AND HIGHT)

A RESOLUTION APPOINTING A NON-UNIFORMED EMPLOYEE TO A HEALTH INSURANCE BENEFITS COMMITTEE; AND FOR OTHER PURPOSES, was read.

A motion to adopt was made by Alderman Hight and seconded by Alderman Bryant. On the motion of Alderman Bryant and seconded by Alderman Witcher, and by consent of all members present, Aldermen Hight and Ross were added to the committee as non-voting members. Alderman Gaines made a motion to appoint Linda Marshall, as the council's non-uniformed employee representative. Alderman Bryant said interested non-uniformed employees were notified (*by the City Clerk*) to appear before the council. Mayor Hays invited those present who wished to be considered for appointment to the committee to come forward. Amanda Armstrong (UAD) has worked for the City for 14 years and is currently covered by the city's insurance. Nathan Kimes, Sr., is the Fleet Manager for the North Little Rock Police Department. He is also covered by the city's insurance. Tom Cross has worked for the city since 1999. He is the Fire Department mechanic. Linda Marshall has worked in the City Clerk's Office for 28 years and has family coverage. Alderman Gaines withdrew his previous motion and made a motion which was seconded by Alderman Bryant, and by consent of all members present, that all of the above non-uniformed city employees be appointed to the committee (8/0). On the motion of Alderman Bryant and seconded by Alderman Thomas, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

UNFINISHED BUSINESS

R-07-35 (RESOLUTION NO. 7081 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE ARKANSAS TRAVELERS TO MANAGE AND LEASE DICKEY-STEPHENS BASEBALL STADIUM; AND FOR OTHER

PURPOSES, was read. A motion to adopt was made by Alderman Bryant and seconded by Alderman Witcher. On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, the resolution was amended as follows:: *attach Management and Lease Agreement provided this date (8/0)*. Mr. Carter went over changes and advised they were few and minimal. Mayor Hays explained ownership of *The Travelers* baseball team, and after discussion regarding funds, parking, a park area, etc., and on the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-07-40 (RESOLUTION NO. 7082 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 724 AND 726 WEST 23RD STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER

PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Mayor Hays convened a public hearing. Mr. Dennis Chudy asked for a 60 day extension and referenced other properties in the area he has worked on. Alderman Bryant asked if Mr. Chudy could post a bond. Mr. Tom Wadley advised 17 citations had been issued to Mr. Chudy and referenced information provided to council members. There being no one else wishing to be heard, Mayor Hays adjourned the public hearing. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: Dennis Chudy*).

O-07-11

AN ORDINANCE AMENDING ORDINANCE NO. 7888, THE 2007 BUSINESS LICENSE SCHEDULE (Class 171 Pawnbrokers); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time, February 12, 2007, was read a second time March 12, 2007, was called and held at the request of the sponsor, Alderman Gaines.

O-07-12

AN ORDINANCE AMENDING THE MASTER STREET PLAN ORDINANCE (NO. 7178) ADDING BAY OAKS DRIVE AS A COLLECTOR STREET BETWEEN WEST SCENIC DRIVE AND WEST PERSHING BOULEVARD; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time February 12, 2007, was read a second time March 26, 2007, was called and held at the request of the sponsor, Alderman Parker. Mr. Carter advised an amendment to the proposed Master Street Plan Ordinance contains Alderman Parker's request.

O-07-14

AN ORDINANCE ADOPTING A MASTER STREET PLAN AND MAPS FOR THE CITY OF NORTH LITTLE ROCK; REPLACING THE PREVIOUS MASTER STREET PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was held at the request of the sponsor, Mayor Hays.

O-07-25

AN ORDINANCE ALLOWING A FREE STANDING SIGN IN THE MAIN STREET OVERLAY DISTRICT FOR CERTAIN REAL PROPERTY LOCATED AT 521 MAIN STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read three times, March 26, 2007, was called. Mayor Hays advised he had talked with the applicant, Mr. John Gaudin who requested this legislation be withdrawn.

NEW BUSINESS

R-07-42 (RESOLUTION NO. 7083 - MAYOR HAYS)

A RESOLUTION APPOINTING BOB BIRCH TO THE UNEXPIRED TERM OF BOB GOSSER TO THE NORTH LITTLE ROCK, ARKANSAS HEALTH FACILITIES BOARD (BAPTIST HEALTH); AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-07-43 (RESOLUTION NO. 7084 - MAYOR HAYS)

A RESOLUTION REAPPOINTING JEANNE HYDE TO THE PARKS AND RECREATION COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-07-44 (RESOLUTION NO. 7085 - MAYOR HAYS)

A RESOLUTION REAPPOINTING OTISTENE SMITH TO THE PARKS AND RECREATION COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Bryant and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-07-45

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH RIVER TRAIL RENTALS, LLC. FOR PROPERTY LOCATED AT 200 SOUTH OLIVE STREET, NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Mayor Hays.

R-07-46 (RESOLUTION NO. 7086 - MAYOR HAYS)

A RESOLUTION APPROPRIATING \$43,718.59 FROM ACT 833 FUNDS FOR THE PURCHASE OF EQUIPMENT FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT, RE-ROOFING FIRE STATION NO. 6; AND FOR OTHER

PURPOSES, was read. On the motion of Alderman Thomas and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-07-28 (ORDINANCE NO. 7930 - MAYOR HAYS)

AN ORDINANCE CLARIFYING THE ARGENTA RESTRICTED PARKING DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderwoman Robinson and seconded by Alderman Gaines, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, with the exception of Alderwoman Robinson and Alderman Parker, who voted no, the ordinance was amended as follows:: *insert Argenta HISTORIC(AL) DISTRICT* (6/2). On the motion of Alderman Witcher and seconded by Alderman Hight, and the roll having been called and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0).

O-07-29 (ORDINANCE NO. 7931 - MAYOR HAYS)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED IN AN AREA AROUND THE INTERSECTION OF VESTAL BOULEVARD AND MAUMELLE BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM I-2 / CONS (Conservation) / R-4 / C-2 / C-3 TO C-4 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called. Mayor Hays referenced O-07-30 and asked Mr. Robert Voyles, Planning Director to come forward and review the area. Mr. Carter reviewed development options. The ordinance was read, and on the motion of Alderman Witcher and seconded by Alderman Gaines, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). The ordinance was read a second time. Mr. Haskell Dickenson said he had a minor problem. Mr. Sam Hilburn, Attorney at Law, representing the applicant, discussed the proposed legislation and also reviewed the area. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: John Burkhalter*)

O-07-30

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED EAST OF THE INTERSECTION OF COUNTS MASSIE ROAD AND JUSTIN JAMES ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM I-2 TO C-4 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF

NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). The ordinance was read a second time. Mr. Hilburn reviewed the proposed use of the property, development in the area, distances and buffers. Mr. Dickenson expressed concerns in the future. His business has 24 million dollars invested in their property. After discussion, Mayor Hays asked Mr. Dickenson and Mr. Hilburn to visit before the next city council meeting (April 23, 2007) and see what they can workout. Mr. Carter reviewed Conditional Uses and Special Uses. The legislation was then held at the request of the sponsor, Mayor Hays. (*applicant: John Burkhalter*)

O-07-31

AN ORDINANCE VACATING AND ABANDONING A STREET RIGHT-OF-WAY AT THE INTERSECTION OF NORTH OLIVE STREET AND WEST 47TH STREET; AUTHORIZING THE SALE OF THE SAME TO RUDOLPH FRASIER; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called. Mr. Carter said the street could be abandoned and sold, or not abandoned and sold to Mr. Frasier. The ordinance was read. On the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). The ordinance was then read a second time and held by the sponsor, Alderwoman Ross. Alderman Witcher asked how the city acquired this easement. Mr. Frasier has been mowing the area since October, 2006. Mr. Rudolph Frasier said he cuts the area because it looks like it is part of his yard. He said if the city used it, it would create a nuisance for him because of the proximity to his property. People in the neighborhood are older.

PUBLIC COMMENTS-----

Alderwoman Ross announced the Citywide Cleanup, Saturday, May 5, 2007. Interested volunteers need to contact Margaret Powell at 501-340-5305. Mayor Hays advised the North Little Rock Woman's Club Annual Carousel Ball will be this weekend at the Hays Center. Ms. Whitbey has tickets for the Annual North Little Rock Lions Club Fish and Chicken Dinner, Friday, April 27, 2007, at the Burns Park Hospitality House. Mayor Hays also said the Junior League of North Little Rock's Annual Follies Fund Raiser will be Saturday, April 28, 2007 at Sherwood Forest. Alderman Parker thanked those who have worked on keeping the Scenic Hill area clean (litter-free), including Sanitation Director Harold Ford and his staff. Alderman Witcher thanked employees who will serve on the Insurance Committee for their time and commitment. Mayor Hays reminded everyone April 12, will be opening night at Dickey - Stephens Baseball Stadium. Scott Miller thanked the Ward 2 Aldermen for recent meetings held for the residents. Mr. Miller also thanked Mayor Hays for consideration of a park for children in the downtown - Argenta area. Animal Control Director, Billy Grace invited everyone to come to Lakewood Village on April 18, 2007, when the North Shore Animal League once again visit North Little Rock and encouraged people to adopt a dog or cat. Jim Ard thanked Officer Terry Kuykendall for his assistance and professionalism. Bobby Taylor asked

where the downtown Police Substation would be located and when. Mayor Hays said he and Chief Bradley are working on finding a location.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderman Witcher, and by agreement of all members present, the meeting adjourned at 9:40 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, April 23, 2007, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK